

ESTTA Tracking number: **ESTTA671495**

Filing date: **05/11/2015**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

## Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

### Opposer Information

Name	Hush Communications Corporation
Granted to Date of previous extension	05/10/2015
Address	Suite 1177, Box 271100 Melville St. Vancouver, BC V6E 4A6 CANADA

Attorney information	Nikkya Williams DLA Piper LLP (US) 555 Mission St.Suite 2400 San Francisco, CA 94105 UNITED STATES tmfilings@dlapiper.com, heather.dunn@dlapiper.com, nikkya.williams@dlapiper.com, carolanne.bashir@dlapiper.com Phone:415-836-2530
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### Applicant Information

Application No	86323439	Publication date	11/11/2014
Opposition Filing Date	05/11/2015	Opposition Period Ends	05/10/2015
Applicant	Bhavin Turakhia Old Nagardas Road, Andheri (East) MUMBAI, 400069 INDIA		

### Goods/Services Affected by Opposition

Class 009. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Computer application software for desktop computers and mobile devices, namely,software for messaging, file and media sharing, and social networking
Class 038. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Broadcast communication services, namely, transmitting e-mails, faxes, text messages and telephone voice messages to designated recipients for others; Chat room services for social networking; Communication services, namely, electronic transmission of data and documents among users of computers; Communication services, namely, providing electronic transmission of information stored in a database via interactively communicating computersystems; Communication services, namely, transmission of voice, audio, visual images and data by telecommunications networks, wireless communication networks, the Internet, information services networks and data networks; Communications services, namely, transmitting streamed sound and audiovisual recordings via the Internet; Computer services, namely, providing on-line facilities for real-time interaction with other computer users concerning topics of general interest; Electronic messaging; Electronic transmission of mail and messages; Electronic, electric, and

digital transmission of voice, data, images, signals, and messages; Instant messaging services; Message sending and receiving services; Message sending via a website; On-line services, namely, message sending; Peer-to-peer network computer services, namely, electronic transmission of audio, video and other data and documents among computers; Peer-to-peer photo sharing services, namely, electronic transmission of digital photo files among internet users; Providing on-line chat rooms and electronic bulletin boards for transmission of messages among users in the field of general interest; Providing on-line chat rooms for social networking; Providing voice communication services via the Internet; Telecommunication services, namely, local and long distance transmission of voice, data, graphics and video by means of broadband optical or wireless networks; Telecommunication services, namely, providing e-mail notification alerts via the internet; Telecommunications services, namely, personal communication services; Teleconferencing and video conferencing services; Wireless communications services, namely, transmission of graphics to mobile telephones

## Applicant Information

Application No	86323440	Publication date	11/11/2014
Opposition Filing Date	05/11/2015	Opposition Period Ends	
Applicant	Bhavin Turakhia Old Nagardas Road, Andheri (East) MUMBAI, 400069 INDIA		

## Goods/Services Affected by Opposition

Class 009. First Use: 0 First Use In Commerce: 0

All goods and services in the class are opposed, namely: Computer application software for desktop computers and mobile devices, namely, software for messaging, file and media sharing, and social networking

Class 038. First Use: 0 First Use In Commerce: 0


All goods and services in the class are opposed, namely: Broadcast communication services, namely, transmitting e-mails, faxes, text messages and telephone voice messages to designated recipients for others; Chat room services for social networking; Communication services, namely, electronic transmission of data and documents among users of computers; Communication services, namely, providing electronic transmission of information stored in a database via interactively communicating computersystems; Communication services, namely, transmission of voice, audio, visual images and data by telecommunications networks, wireless communication networks, the Internet, information services networks and data networks; Computer services, namely, providing on-line facilities for real-time interaction with other computer users concerning topics of general interest; Electronic mail and messaging services; Electronic messaging; Electronic, electric, and digital transmission of voice, data, images, signals, and messages; Instant messaging services; Message sending via a website; On-line services, namely, message sending; Peer-to-peer network computer services, namely, electronic transmission of audio, video and other data and documents among computers; Peer-to-peer photo sharing services, namely, electronic transmission of digital photo files among internet users; Providing on-line chat rooms and electronic bulletin boards for transmission of messages among users in the field of general interest; Providing on-line chat rooms for social networking; Providing voice communication services via the Internet; Telecommunication services, namely, local and long distance transmission of voice, data, graphics and video by means of broadband optical or wireless networks; Telecommunication services, namely, providing e-mail notification alerts via the internet; Telecommunications services, namely, personal communication services; Teleconferencing and video conferencing services; Wireless communications services, namely, transmission of graphics to mobile telephones

## Grounds for Opposition


False suggestion of a connection	Trademark Act section 2(a)
Priority and likelihood of confusion	Trademark Act section 2(d)


## Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	2455933	Application Date	12/09/1998
Registration Date	05/29/2001	Foreign Priority Date	NONE
Word Mark	HUSH		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 042. First use: First Use: 1998/09/11 First Use In Commerce: 1999/05/07 Electronic mail services, namely, providing secure mail communication over a computer network, including the global computer network		

U.S. Registration No.	2455934	Application Date	12/09/1998
Registration Date	05/29/2001	Foreign Priority Date	NONE
Word Mark	HUSHMAIL		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 038. First use: First Use: 1998/09/11 First Use In Commerce: 1999/05/07 Electronic mail services, namely, providing secured and unsecured electronic mail communication over a computer network, including the global computer network		

U.S. Registration No.	2500713	Application Date	12/09/1998
Registration Date	10/23/2001	Foreign Priority Date	NONE
Word Mark	HUSH		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 009. First use: First Use: 1998/09/11 First Use In Commerce: 1999/05/07 COMPUTER SOFTWARE THAT PROVIDES SECURE COMMUNICATIONS OVER A COMPUTER NETWORK, INCLUDING THE GLOBAL COMPUTER NETWORK

U.S. Registration No.	2513068	Application Date	12/09/1998
Registration Date	11/27/2001	Foreign Priority Date	NONE
Word Mark	HUSHMAIL		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 1998/09/11 First Use In Commerce: 1999/05/07 Electronic mail computer software for use on a computer network, including the global computer network		

Attachments	75601912#TMSN.png( bytes ) 75601918#TMSN.png( bytes ) 75601920#TMSN.png( bytes ) 75601933#TMSN.png( bytes ) HUSH and HUSHCHAT_Notice of Opposition_86323439_86323440.pdf(4538835 bytes )
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## Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Nikkya Williams/
Name	Nikkya Williams
Date	05/11/2015

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Hush Communications USA, Inc.,

Opposer,

v.

Bhavin Turakhia,

Applicant.

Opposition No.

NOTICE OF OPPOSITION

Opposer, Hush Communications USA, Inc., a corporation organized and existing under the laws of the State of Delaware having its principal place of business at 2605 Hillview Road, Austin, Texas 78703 ("Opposer") believes that it has been and/or will be damaged by the registration of Application Serial No. 86323439 for HUSH and Application Serial No. 86323440 for HUSHCHAT and hereby opposes the same.

As grounds for opposition, Opposer alleges that:

APPLICANT'S HUSH and HUSHCHAT MARKS

1. According to the Trademark Office records, on or about June 28, 2014, Applicant Bhavin Turakhia, an individual ("Applicant"), applied to register the trademarks HUSH and HUSHCHAT which were subsequently assigned Application Serial Nos. 86323439 and 86323440, respectively ("Applicant's Marks") for "Computer application software for desktop computers and mobile devices, namely, software for messaging, file and media sharing, and social networking" in Class 9 and "Broadcast communication services, namely, transmitting e-mails, faxes, text messages and telephone voice messages to designated recipients for others; Chat room services for social networking; Communication services, namely, electronic transmission of data and documents among users of computers; Communication services, namely, providing electronic transmission of information stored in a database via interactively communicating computer systems; Communication services, namely, transmission of voice, audio, visual images and data by telecommunications networks, wireless communication networks, the Internet, information services networks and data networks; Communications services, namely, transmitting streamed sound and audiovisual recordings via the Internet; Computer services, namely, providing on-line facilities for real-time interaction with other computer users concerning topics of general interest; Electronic messaging; Electronic transmission of mail and messages; Electronic, electric, and digital transmission of voice, data, images, signals, and messages; Instant messaging services; Message sending and receiving services; Message sending via a website; On-line services, namely, message sending; Peer-to-peer network computer services, namely, electronic transmission of audio, video and other data and documents among computers; Peer-to-peer photo sharing services, namely, electronic transmission of digital photo files among internet users; Providing on-line chat rooms and electronic bulletin boards for transmission of messages among users in the field of general interest; Providing on-line chat rooms for social networking; Providing voice communication services via the Internet;

Telecommunication services, namely, local and long distance transmission of voice, data, graphics and video by means of broadband optical or wireless networks; Telecommunication services, namely, providing e-mail notification alerts via the internet. Telecommunications services, namely, personal communication services; Teleconferencing and video conferencing services; Wireless communications services, namely, transmission of graphics to mobile telephones” in Class 38 (together “Applicant’s Goods and Services”) based on a Section 1(b) intent-to-use claim. These applications were published in the November 11, 2014 edition of the Official Gazette.

2. On or about December 10, 2014, Opposer filed a Request for 90-day Extension of Time to oppose Applicant’s Marks, which the Board granted, thereby extending the deadline for Opposer to oppose Applicant’s Mark to March 11, 2015.
3. On or about March 10, 2015, Opposer filed a 60-Day Request for Extension of Time to Oppose with Applicant’s consent, which the Board granted, thereby extending the deadline for Opposer to oppose Applicant’s Marks to May 10, 2015. Because May 10, 2015 is a Sunday, pursuant to 37 C.F.R. § 2.196, the time period within which to file an opposition is extended to Monday, May 11, 2015.

#### OPPOSER’S HUSH MARKS

4. Opposer is the owner of the following trademarks, for which it has registrations on the Principal Register:

Trademark	Number	Date of Registration	Class	Goods
HUSH	2500713 (Registered)	October 23, 2001	9	Computer software that provides secure communications over a computer network, including the global computer network.
HUSHMAIL	2513068 (Registered)	November 27, 2001	9	Electronic mail computer software for use on a computer network, including the global computer network
HUSH	2455933 (Registered)	May 29, 2001	42	Electronic mail services, namely, providing secure mail communication over a computer network, including the global computer network
HUSHMAIL	2455934 (Registered)	May 29, 2001	38	Electronic mail services, namely, providing secured and unsecured electronic mail communication over

				a computer network, including the global computer network.
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("Opposer's Trademark Registrations"), copies of the TSDR records dated January 20, 2015 for each of Opposer's Trademark Registrations are attached hereto as Exhibit A.

5. In addition to rights arising from the Opposer's Trademark Registrations listed in Paragraph 4 above, Opposer has valid common law rights in the marks in Opposer's Trademark Registrations as inherently distinctive trademarks for its computer software, electronic mail computer software, electronic mail services, data security and encryption software, and data security and encryption services, and in HUSH SECURE FORMS and HUSH ENCRYPTION ENGINE for its data security and encryption software and data security and encryption services (collectively, "Opposer's HUSH Marks").
6. The goods and services identified in Paragraphs 4 and 5 above are hereinafter referred to collectively as the "Opposer's Goods and Services."
7. Through the continued use of HUSH and HUSH-formatives for Opposer's Goods and Services, Opposer has created a family of HUSH marks for Opposer's Goods and Services.
8. Opposer's Goods and Services that bear Opposer's HUSH Marks are sold, and offered throughout the United States via the Internet, direct sales and through resellers.
9. Opposer has continuously used the Opposer's HUSH Marks in connection with Opposer's Goods and Services since at least as early as May 1999 with respect to the marks in Opposer's Trademark Registrations, at least as early as December 2000 for Opposer's HUSH ENCRYPTION ENGINE, and at least as early as 2002 for HUSH SECURE FORMS, all of which predate Applicant's filing date of December 7, 2013 for Applicant's Mark by over 10 years and all of which predate Applicant's claimed first use date of August 3, 2013 by over 10 years.
10. Opposer's HUSH Marks have been extensively advertised and marketed in connection with Opposer's Goods and Services, and Opposer has created widespread goodwill in Opposer's HUSH Marks throughout the United States.
11. Opposer's HUSH Marks are among the most valuable assets of Opposer and principal symbols of its extensive goodwill.
12. Opposer's HUSH Marks have been used in commerce in connection with Opposer's Goods and Services since as early as 1999, 2000, and 2002; taken together, a period of over 13 years. Due to widespread use of Opposer's HUSH Marks, extensive sales, advertising, marketing, and activities, consumers and businesses have come to recognize Opposer's HUSH Marks as signifying Opposer and as identifying Opposer as the source of goods and services marketed under Opposer's HUSH Marks.

#### LIKELIHOOD OF CONFUSION

12. The goods and services identified in Application Serial Nos. 86323439 and 86323440 and Opposer's Goods and Services overlap in part, and are otherwise similar and/or related, and are of the type which could be and are offered in the same channels of trade and to the same prospective customers.
13. The wording in Applicant's Marks is identical or highly similar to Opposer's registered HUSH Marks.

14. Due to Opposer's longstanding and continuous use of Opposer's HUSH Marks in connection with Opposer's Goods and Services throughout the United States, Opposer's HUSH Marks have become well known as designating Opposer's Goods and Services throughout the United States.
15. Applicant's Marks for Applicant's Goods and Services are confusingly similar to Opposer's HUSH Marks for Opposer's Goods and Services, and are likely to be confused therewith. Such confusion, mistake, and deception regarding the origin of Applicant's goods is likely to cause irreparable harm to Opposer.
16. If Application Serial Nos. 86323439 and 86323440 are registered, the public will reasonably believe that Applicant's Goods and Services are provided, sponsored, or endorsed by Opposer, all to the detriment of consumers and Opposer.
17. As stated in Paragraph 5 above, Opposer has valid common law rights in Opposer's HUSH Marks.
18. Applicant's Marks are in violation and derogation of those common law rights and are likely to cause confusion, mistake and deception among purchasers and users as to the source or origin of Applicant's Goods and Services, or their affiliation with or sponsorship by Opposer, thereby causing loss, damage, and injury to Opposer and the public.
19. The granting of trademark registrations for Applicant's Marks would violate and diminish the prior and superior rights of Opposer in Opposer's HUSH Marks and would be in violation of 15 U.S.C. § 1052(d).
20. If Applicant is granted the registrations herein opposed, it would thereby obtain a prima facie exclusive right to its marks. Such registrations would be a source of damage and injury to Opposer.

WHEREFORE, Opposer prays that Application Serial Nos. 86323439 and 86323440 be rejected, that no registration be issued thereon, and that this Opposition be sustained in favor of Opposer.

Please charge the filing fees of this Notice of Opposition to Deposit Acct. No. 07-1907. Please charge any additional fees, or credit any overpayment, to Deposit Acct. No. 07-1907.

Dated: May 11, 2015

**DLA PIPER LLP (US)**

By: 

Heather A. Dunn, Esq.

DLA PIPER LLP (US)  
555 Mission Street, Suite 2400  
San Francisco, CA 94105-2933  
Telephone: (415) 836-2557


Attorneys for Opposer  
Hush Communications USA, Inc.

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the document titled NOTICE OF OPPOSITION was served on Applicant Bhavin Turakhia via his attorney of record, Mark Farrell of Timberline Patent Law Group PLLC, by depositing the same as first class mail, postage prepaid, addressed as follows:

Mark Farrell  
Timberline Patent Law Group PLLC  
9116 E Sprague Ave. # 384  
Spokane, Washington 99206-3601

this 11th day of May, 2015.

  
\_\_\_\_\_  
Cheryl Elmore

# Exhibit A

Mark: HUSH

<b>US Serial Number:</b> 75601912	<b>Application Filing Date:</b> Dec. 09, 1998
<b>US Registration Number:</b> 2455933	<b>Registration Date:</b> May 29, 2001
<b>Register:</b> Principal	
<b>Mark Type:</b> Service Mark	
<b>Status:</b> The registration has been renewed.	
<b>Status Date:</b> Jun. 04, 2011	
<b>Publication Date:</b> Dec. 28, 1999	<b>Notice of Allowance Date:</b> Mar. 21, 2000

**Mark Literal Elements:** HUSH  
**Standard Character Claim:** No  
**Mark Drawing Type:** 1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)

**Note:** The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks \*... identify additional (new) wording in the goods/services.

**For:** Electronic mail services, namely, providing secure mail communication over a computer network, including the global computer network

**International Class(es):** 042 - Primary Class

**U.S Class(es):** 100, 101

**Class Status:** ACTIVE

**Basis:** 1(a)

**First Use:** Sep. 11, 1998

**Use in Commerce:** May 07, 1999

<b>Filed Use:</b> No	<b>Currently Use:</b> Yes	<b>Amended Use:</b> No
<b>Filed ITU:</b> Yes	<b>Currently ITU:</b> No	<b>Amended ITU:</b> No
<b>Filed 44D:</b> No	<b>Currently 44D:</b> No	<b>Amended 44D:</b> No
<b>Filed 44E:</b> No	<b>Currently 44E:</b> No	<b>Amended 44E:</b> No
<b>Filed 66A:</b> No	<b>Currently 66A:</b> No	
<b>Filed No Basis:</b> No	<b>Currently No Basis:</b> No	

<b>Owner Name:</b>	HUSH COMMUNICATIONS USA, INC.		
<b>Owner Address:</b>	2605 HILLVIEW RD. AUSTIN, TEXAS 78703 UNITED STATES		
<b>Legal Entity Type:</b>	CORPORATION	<b>State or Country Where Organized:</b>	DELAWARE

<b>Attorney Name:</b> Heather A. Dunn	<b>Attorney of Record</b>	<b>Docket Number:</b> 330783-105
<b>Attorney Primary Email Address:</b> <a href="mailto:tmfilings@dlapiper.com">tmfilings@dlapiper.com</a>		<b>Attorney Email Authorized:</b> Yes
<b>Correspondent</b> Heather A. Dunn	<b>Correspondent</b>	

**Name/Address:** DLA Piper LLP (US)  
555 Mission Street, Suite 2400  
San Francisco, CALIFORNIA 94105  
UNITED STATES

**Phone:** 415.836.2557

**Fax:** 415.836.2501

**Correspondent e-mail:** [tmfilings@dlapiper.com](mailto:tmfilings@dlapiper.com)

**Correspondent e-mail** Yes  
**Authorized:**

**Domestic Representative - Not Found**

## Prosecution History

Date	Description	Proceeding Number
Jun. 04, 2011	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	70131
Jun. 04, 2011	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Jun. 04, 2011	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	70131
May 09, 2011	TEAS SECTION 8 & 9 RECEIVED	
Jun. 22, 2007	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	59807
Jun. 20, 2007	ASSIGNED TO PARALEGAL	59807
May 23, 2007	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	
May 23, 2007	TEAS SECTION 8 & 15 RECEIVED	
Oct. 20, 2006	CASE FILE IN TICRS	
Jul. 20, 2004	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
May 29, 2001	REGISTERED-PRINCIPAL REGISTER	
Jan. 12, 2001	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Dec. 13, 2000	ASSIGNED TO EXAMINER	72503
Dec. 12, 2000	STATEMENT OF USE PROCESSING COMPLETE	
Sep. 21, 2000	USE AMENDMENT FILED	
Mar. 21, 2000	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Dec. 28, 1999	PUBLISHED FOR OPPOSITION	
Nov. 26, 1999	NOTICE OF PUBLICATION	
Sep. 24, 1999	APPROVED FOR PUB - PRINCIPAL REGISTER	
Sep. 21, 1999	EXAMINER'S AMENDMENT MAILED	
Sep. 17, 1999	PREVIOUS ALLOWANCE COUNT WITHDRAWN	
Jul. 16, 1999	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jul. 16, 1999	ASSIGNED TO EXAMINER	72503
Jul. 02, 1999	EXAMINER'S AMENDMENT MAILED	
Jun. 16, 1999	ASSIGNED TO EXAMINER	76581

## Maintenance Filings or Post Registration Information

**Affidavit of Continued Use:** Section 8 - Accepted

**Affidavit of Incontestability:** Section 15 - Accepted

**Renewal Date:** May 29, 2011

## TM Staff and Location Information

**TM Staff Information - None**

**File Location**

**Current Location:** GENERIC WEB UPDATE

**Date in Location:** Jun. 04, 2011

## Assignment Abstract Of Title Information

**Summary**

**Total Assignments:** 1

**Registrant:** HUSH COMMUNICATIONS USA, INC.

**Assignment 1 of 1**

**Conveyance:** ASSIGNS THE ENTIRE INTEREST

**Reel/Frame:** [2025/0674](#)

**Pages:** 4

**Date Recorded:** Jan. 26, 2000

**Supporting Documents:** [assignment-tm-2025-0674.pdf](#)

**Name:** [BALTZLEY, CLIFF A.](#)

**Legal Entity Type:** INDIVIDUAL

**Assignor**

**Execution Date:** Dec. 15, 1999

**Citizenship:** UNITED STATES

**Assignee**

**Name:** [HUSH COMMUNICATIONS USA, INC.](#)

**Legal Entity Type:** CORPORATION

**State or Country Where  
Organized:** DELAWARE

**Address:** SUITE 208  
1214 WEST SIXTH STREET  
AUSTIN, TEXAS 78703

**Correspondent**

**Correspondent Name:** GRAY CARY WARE & FREIDENRICH

**Correspondent Address:** STEVEN R. SPRINKLE  
100 CONGRESS AVENUE, SUITE 1440  
AUSTIN, TX 78701

**Domestic Representative - Not Found**

**Generated on:** This page was generated by TSDR on 2015-01-20 15:39:00 EST

**Mark:** HUSHMAIL

HUSHMAIL

**US Serial Number:** 75601918  
**US Registration Number:** 2455934  
**Register:** Principal  
**Mark Type:** Service Mark  
**Status:** The registration has been renewed.  
**Status Date:** Jun. 02, 2011  
**Publication Date:** Dec. 28, 1999  
**Application Filing Date:** Dec. 09, 1998  
**Registration Date:** May 29, 2001  
**Notice of Allowance Date:** Mar. 21, 2000

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## Mark Information

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**Mark Literal Elements:** HUSHMAIL  
**Standard Character Claim:** No  
**Mark Drawing Type:** 1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)

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## Goods and Services

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**Note:** The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks \*...\* identify additional (new) wording in the goods/services.

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**U.S Class(es):** 100, 101, 104

**Class Status:** ACTIVE

**Basis:** 1(a)

**First Use:** Sep. 11, 1998

**Use in Commerce:** May 07, 1999

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## Basis Information (Case Level)

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<b>Filed Use:</b> No	<b>Currently Use:</b> Yes	<b>Amended Use:</b> No
<b>Filed ITU:</b> Yes	<b>Currently ITU:</b> No	<b>Amended ITU:</b> No
<b>Filed 44D:</b> No	<b>Currently 44D:</b> No	<b>Amended 44D:</b> No
<b>Filed 44E:</b> No	<b>Currently 44E:</b> No	<b>Amended 44E:</b> No
<b>Filed 66A:</b> No	<b>Currently 66A:</b> No	
<b>Filed No Basis:</b> No	<b>Currently No Basis:</b> No	

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## Current Owner(s) Information

---

**Owner Name:** HUSH COMMUNICATIONS USA, INC.  
**Owner Address:** 2605 HILLVIEW RD.  
AUSTIN, TEXAS 78703  
UNITED STATES  
**Legal Entity Type:** CORPORATION  
**State or Country Where Organized:** DELAWARE

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## Attorney/Correspondence Information

---

<b>Attorney Name:</b> Heather A. Dunn	<b>Attorney of Record</b>	<b>Docket Number:</b> 330783-107
<b>Attorney Primary Email Address:</b> <a href="mailto:tmfilings@dlapiper.com">tmfilings@dlapiper.com</a>		<b>Attorney Email Authorized:</b> Yes
<b>Correspondent Name/Address:</b> HEATHER A. DUNN DLA PIPER US LLP 555 MISSION STREET	<b>Correspondent</b>	

SUITE 2400  
SAN FRANCISCO, CALIFORNIA 94105  
UNITED STATES

Phone: 415.836.2557

Fax: 415.836.2501

Correspondent e-mail: [tmfilings@dlapiper.com](mailto:tmfilings@dlapiper.com)

Correspondent e-mail Yes  
Authorized:

Domestic Representative - Not Found

## Prosecution History

Date	Description	Proceeding Number
Jun. 02, 2011	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	64591
Jun. 02, 2011	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Jun. 01, 2011	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	64591
May 03, 2011	TEAS SECTION 8 & 9 RECEIVED	
Jun. 22, 2007	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	59807
Jun. 20, 2007	ASSIGNED TO PARALEGAL	59807
May 23, 2007	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	
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Jun. 16, 1999	ASSIGNED TO EXAMINER	76581

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Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

Renewal Date: May 29, 2011

## TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: GENERIC WEB UPDATE

Date in Location: Jun. 02, 2011

## Assignment Abstract Of Title Information

### Summary

Total Assignments: 1

Registrant: HUSH COMMUNICATIONS USA, INC.

### Assignment 1 of 1

Conveyance: ASSIGNS THE ENTIRE INTEREST

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Pages: 4

Date Recorded: Jan. 26, 2000

Supporting Documents: [assignment-tm-2025-0674.pdf](#)

Name: [BALTZLEY, CLIFF A.](#)

Legal Entity Type: INDIVIDUAL

Assignor

Execution Date: Dec. 15, 1999

Citizenship: UNITED STATES

Assignee

Name: [HUSH COMMUNICATIONS USA, INC.](#)

Legal Entity Type: CORPORATION

State or Country Where  
Organized: DELAWARE

Address: SUITE 208  
1214 WEST SIXTH STREET  
AUSTIN, TEXAS 78703

Correspondent

Correspondent Name: GRAY CARY WARE & FREIDENRICH

Correspondent Address: STEVEN R. SPRINKLE  
100 CONGRESS AVENUE, SUITE 1440  
AUSTIN, TX 78701

Domestic Representative - Not Found

Generated on: This page was generated by TSDR on 2015-01-20 15:40:13 EST

Mark: HUSH

HUSH

US Serial Number: 75601920      Application Filing Date: Dec. 09, 1998  
US Registration Number: 2500713      Registration Date: Oct. 23, 2001  
Register: Principal  
Mark Type: Trademark  
Status: The registration has been renewed.  
Status Date: Sep. 20, 2011  
Publication Date: Dec. 28, 1999      Notice of Allowance Date: Mar. 21, 2000

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## Mark Information

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Mark Literal Elements: HUSH  
Standard Character Claim: No  
Mark Drawing Type: 1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)

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## Goods and Services

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Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis (()) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks "\*" identify additional (new) wording in the goods/services.

For: COMPUTER SOFTWARE THAT PROVIDES SECURE COMMUNICATIONS OVER A COMPUTER NETWORK, INCLUDING THE GLOBAL COMPUTER NETWORK

International Class(es): 009 - Primary Class

U.S Class(es): 021, 023, 026, 036, 038

Class Status: ACTIVE

Basis: 1(a)

First Use: Sep. 11, 1998

Use in Commerce: May 07, 1999

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## Basis Information (Case Level)

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Filed Use: No	Currently Use: Yes	Amended Use: No
Filed ITU: Yes	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

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## Current Owner(s) Information

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Owner Name: HUSH COMMUNICATIONS USA, INC.  
Owner Address: 2605 Hillview Road  
AUSTIN, TEXAS 78703  
UNITED STATES  
Legal Entity Type: CORPORATION      State or Country Where Organized: TEXAS

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## Attorney/Correspondence Information

---

Attorney Name: Heather A. Dunn      Attorney of Record  
Attorney Primary Email: [tmfilings@dlapiper.com](mailto:tmfilings@dlapiper.com)      Docket Number: 330783-104  
Address:      Attorney Email Yes  
Authorized:  
Correspondent

**Correspondent Name/Address:** Heather A. Dunn  
DLA Piper LLP (US)  
555 Mission Street, Suite 2400  
San Francisco, CALIFORNIA 94105  
UNITED STATES

**Phone:** 415.836.2557

**Fax:** 415.836.2501

**Correspondent e-mail:** [tmfilings@dlapiper.com](mailto:tmfilings@dlapiper.com)

**Correspondent e-mail** Yes  
**Authorized:**

**Domestic Representative - Not Found**

## Prosecution History

Date	Description	Proceeding Number
Sep. 20, 2011	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	71378
Sep. 20, 2011	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	71378
Sep. 16, 2011	TEAS SECTION 8 & 9 RECEIVED	
Oct. 29, 2007	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	71378
Oct. 25, 2007	ASSIGNED TO PARALEGAL	71378
Oct. 16, 2007	TEAS SECTION 8 & 15 RECEIVED	
Jan. 23, 2007	CASE FILE IN TICRS	
Jul. 20, 2004	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Oct. 23, 2001	REGISTERED-PRINCIPAL REGISTER	
Apr. 26, 2001	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Apr. 23, 2001	ASSIGNED TO EXAMINER	72503
Apr. 18, 2001	STATEMENT OF USE PROCESSING COMPLETE	
Mar. 21, 2001	USE AMENDMENT FILED	
Dec. 04, 2000	EXTENSION 1 GRANTED	
Sep. 21, 2000	EXTENSION 1 FILED	
Mar. 21, 2000	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Dec. 28, 1999	PUBLISHED FOR OPPOSITION	
Nov. 26, 1999	NOTICE OF PUBLICATION	
Sep. 24, 1999	APPROVED FOR PUB - PRINCIPAL REGISTER	
Sep. 21, 1999	EXAMINER'S AMENDMENT MAILED	
Sep. 17, 1999	PREVIOUS ALLOWANCE COUNT WITHDRAWN	
Jul. 16, 1999	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jul. 14, 1999	ASSIGNED TO EXAMINER	72503
Jul. 12, 1999	ASSIGNED TO EXAMINER	75593

## Maintenance Filings or Post Registration Information

**Affidavit of Continued Use:** Section 8 - Accepted

**Affidavit of Incontestability:** Section 15 - Accepted

**Renewal Date:** Oct. 23, 2011

## TM Staff and Location Information

**TM Staff Information - None**

**File Location**

**Current Location:** GENERIC WEB UPDATE

**Date in Location:** Sep. 20, 2011

## Assignment Abstract Of Title Information

### Summary

**Total Assignments:** 1

**Registrant:** HUSH COMMUNICATIONS USA, INC.

### Assignment 1 of 1

**Conveyance:** ASSIGNS THE ENTIRE INTEREST

Reel/Frame: [2025/0674](#)

Pages: 4

Date Recorded: Jan. 26, 2000

Supporting Documents: [assignment-tm-2025-0674.pdf](#)

Name: [BALTZLEY, CLIFF A.](#)

Legal Entity Type: INDIVIDUAL

Name: [HUSH COMMUNICATIONS USA, INC.](#)

Legal Entity Type: CORPORATION

Address: SUITE 208  
1214 WEST SIXTH STREET  
AUSTIN, TEXAS 78703

Correspondent Name: GRAY CARY WARE & FREIDENRICH

Correspondent Address: STEVEN R. SPRINKLE  
100 CONGRESS AVENUE, SUITE 1440  
AUSTIN, TX 78701

Assignor

Execution Date: Dec. 15, 1999

Citizenship: UNITED STATES

Assignee

State or Country Where  
Organized: DELAWARE

Correspondent

Domestic Representative - Not Found

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Mark: HUSHMAIL

HUSHMAIL

US Serial Number: 75601933  
US Registration Number: 2513068  
Register: Principal  
Mark Type: Trademark  
Status: The registration has been renewed.  
Status Date: Sep. 20, 2011  
Publication Date: Jan. 04, 2000  
Application Filing Date: Dec. 09, 1998  
Registration Date: Nov. 27, 2001  
Notice of Allowance Date: Mar. 28, 2000

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## Mark Information

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Mark Literal Elements: HUSHMAIL  
Standard Character Claim: No  
Mark Drawing Type: 1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)

---

## Goods and Services

---

**Note:** The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks \*..\* identify additional (new) wording in the goods/services.

**For:** Electronic mail computer software for use on a computer network, including the global computer network

**International Class(es):** 009 - Primary Class

**U.S Class(es):** 021, 023, 026, 036, 038

**Class Status:** ACTIVE

**Basis:** 1(a)

**First Use:** Sep. 11, 1998

**Use in Commerce:** May 07, 1999

---

## Basis Information (Case Level)

---

<b>Filed Use:</b> No	<b>Currently Use:</b> Yes	<b>Amended Use:</b> No
<b>Filed ITU:</b> Yes	<b>Currently ITU:</b> No	<b>Amended ITU:</b> No
<b>Filed 44D:</b> No	<b>Currently 44D:</b> No	<b>Amended 44D:</b> No
<b>Filed 44E:</b> No	<b>Currently 44E:</b> No	<b>Amended 44E:</b> No
<b>Filed 66A:</b> No	<b>Currently 66A:</b> No	
<b>Filed No Basis:</b> No	<b>Currently No Basis:</b> No	

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## Current Owner(s) Information

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**Owner Name:** Hush Communications USA, Inc.  
**Owner Address:** 2605 Hillview Road  
Austin, TEXAS 78703  
UNITED STATES  
**Legal Entity Type:** CORPORATION  
**State or Country Where Organized:** DELAWARE

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## Attorney/Correspondence Information

---

**Attorney of Record**  
**Attorney Name:** Heather A. Dunn  
**Attorney Primary Email Address:** [tmfilings@dlapiper.com](mailto:tmfilings@dlapiper.com)  
**Docket Number:** 330783-106  
**Attorney Email Authorized:** Yes  
**Correspondent**  
**Correspondent Name/Address:** Heather A. Dunn  
DLA Piper LLP US  
555 Mission Street, Suite 2400

San Francisco, CALIFORNIA 94105  
UNITED STATES

Phone: 415.836.2557

Fax: 415.836.2501

Correspondent e-mail: [tmfilings@dlapiper.com](mailto:tmfilings@dlapiper.com)

Correspondent e-mail Yes  
Authorized:

Domestic Representative - Not Found

## Prosecution History

Date	Description	Proceeding Number
Sep. 20, 2011	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	71378
Sep. 20, 2011	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	71378
Sep. 16, 2011	TEAS SECTION 8 & 9 RECEIVED	
Oct. 29, 2007	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	71378
Oct. 25, 2007	ASSIGNED TO PARALEGAL	71378
Oct. 16, 2007	TEAS SECTION 8 & 15 RECEIVED	
Jan. 09, 2007	CASE FILE IN TICRS	
Jul. 20, 2004	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Nov. 27, 2001	REGISTERED-PRINCIPAL REGISTER	
May 11, 2001	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
May 07, 2001	ASSIGNED TO EXAMINER	72503
Apr. 25, 2001	STATEMENT OF USE PROCESSING COMPLETE	
Apr. 24, 2001	EXTENSION 2 GRANTED	
Mar. 28, 2001	USE AMENDMENT FILED	
Mar. 28, 2001	EXTENSION 2 FILED	
Dec. 06, 2000	EXTENSION 1 GRANTED	
Sep. 21, 2000	EXTENSION 1 FILED	
Mar. 28, 2000	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Jan. 04, 2000	PUBLISHED FOR OPPOSITION	
Dec. 03, 1999	NOTICE OF PUBLICATION	
Sep. 29, 1999	APPROVED FOR PUB - PRINCIPAL REGISTER	
Sep. 21, 1999	EXAMINER'S AMENDMENT MAILED	
Sep. 17, 1999	PREVIOUS ALLOWANCE COUNT WITHDRAWN	
Jul. 30, 1999	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jul. 16, 1999	ASSIGNED TO EXAMINER	72503
Jul. 12, 1999	ASSIGNED TO EXAMINER	76842

## Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

Renewal Date: Nov. 27, 2011

## TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: GENERIC WEB UPDATE

Date in Location: Sep. 20, 2011

## Assignment Abstract Of Title Information

### Summary

Total Assignments: 1

Registrant: Hush Communications USA, Inc.

Assignment 1 of 1

**Conveyance:** ASSIGNS THE ENTIRE INTEREST

**Reel/Frame:** [2025/0674](#)

**Pages:** 4

**Date Recorded:** Jan. 26, 2000

**Supporting Documents:** [assignment-tm-2025-0674.pdf](#)

**Name:** [BALTZLEY, CLIFF A.](#)

**Legal Entity Type:** INDIVIDUAL

**Assignor**

**Execution Date:** Dec. 15, 1999

**Citizenship:** UNITED STATES

**Assignee**

**Name:** [HUSH COMMUNICATIONS USA, INC.](#)

**Legal Entity Type:** CORPORATION

**State or Country Where  
Organized:** DELAWARE

**Address:** SUITE 208  
1214 WEST SIXTH STREET  
AUSTIN, TEXAS 78703

**Correspondent**

**Correspondent Name:** GRAY CARY WARE & FREIDENRICH

**Correspondent Address:** STEVEN R. SPRINKLE  
100 CONGRESS AVENUE, SUITE 1440  
AUSTIN, TX 78701

**Domestic Representative - Not Found**